

CHAPTER 77

COURTS

SENATE BILL 23-227

BY SENATOR(S) Zenzinger and Kirkmeyer, Bridges, Gonzales, Hansen, Moreno;
 also REPRESENTATIVE(S) Bird and Sirota, Bockenfeld, Amabile, Bacon, Brown, Epps, Marshall, Michaelson Jenet, Sharbini,
 Snyder, Valdez A., Weissman, Woodrow, McCluskie.

AN ACT

CONCERNING THE HOURLY RATE COMPENSATION FOR ATTORNEYS WHO CONTRACT WITH STATE AGENCIES TO PROVIDE LEGAL REPRESENTATION.

Be it enacted by the General Assembly of the State of Colorado:

SECTION 1. In Colorado Revised Statutes, 21-2-105, **amend** (2) as follows:

21-2-105. Contracts with attorneys and investigators. (2) (a) Contracts made pursuant to this section ~~shall~~ **MUST** provide for reasonable compensation and reimbursement for expenses necessarily incurred, to be fixed and paid from state funds appropriated therefor. The office of alternate defense counsel shall review the bills submitted for reimbursement by any contract attorney or investigator and may approve or deny the payment of such bills in whole or in part based on the terms set forth in the contract negotiated between the alternate defense counsel and the contract attorney or investigator.

(b) ~~THE RATE CONTRACTED FOR ATTORNEY TIME PURSUANT TO SUBSECTION (2)(a) OF THIS SECTION FOR FISCAL YEAR 2023-24 IS ONE HUNDRED DOLLARS PER HOUR FOR CASES INVOLVING A TYPE B FELONY AS REFERENCED IN ATTACHMENT D TO CHIEF JUSTICE DIRECTIVE 04-04 AND AS MODIFIED BY THE GRADATIONS FOUND IN ATTACHMENT D TO CHIEF JUSTICE DIRECTIVE 04-04. THAT HOURLY RATE MUST BE INCREASED ANNUALLY BY NO MORE THAN FIVE DOLLARS EACH YEAR UNTIL THE HOURLY RATE IS AT LEAST SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT. THAT HOURLY RATE MAY BE ADJUSTED IN SUBSEQUENT FISCAL YEARS TO MAINTAIN THE HOURLY RATE AT OR ABOVE SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE~~

Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.

FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT.

SECTION 2. In Colorado Revised Statutes, 13-91-105, **add** (2) as follows:

13-91-105. Duties of the office of the child's representative - guardian ad litem and counsel for youth programs. (2) THE RATE CONTRACTED FOR ATTORNEY TIME PURSUANT TO SUBSECTION (1)(a)(VI) OF THIS SECTION FOR FISCAL YEAR 2023-24 IS ONE HUNDRED DOLLARS PER HOUR. THE HOURLY RATE MUST BE INCREASED ANNUALLY BY NO MORE THAN FIVE DOLLARS EACH YEAR UNTIL THE HOURLY RATE IS AT LEAST SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT. THE HOURLY RATE MAY BE ADJUSTED IN SUBSEQUENT FISCAL YEARS TO MAINTAIN THE HOURLY RATE AT OR ABOVE SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT.

SECTION 3. In Colorado Revised Statutes, 13-92-104, **add** (2) as follows:

13-92-104. Duties of the office of the respondent parents' counsel. (2) THE RATE CONTRACTED FOR ATTORNEY TIME PURSUANT TO SUBSECTION (1)(b) OF THIS SECTION FOR FISCAL YEAR 2023-24 IS ONE HUNDRED DOLLARS PER HOUR. THE HOURLY RATE MUST BE INCREASED ANNUALLY BY NO MORE THAN FIVE DOLLARS EACH YEAR UNTIL THE HOURLY RATE IS AT LEAST SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT. THE HOURLY RATE MAY BE ADJUSTED IN SUBSEQUENT FISCAL YEARS TO MAINTAIN THE HOURLY RATE AT OR ABOVE SEVENTY-FIVE PERCENT OF THE RATE SET PURSUANT TO THE FEDERAL "CRIMINAL JUSTICE ACT REVISION OF 1986", 18 U.S.C. SEC. 3006A, AS AMENDED, FOR INDIGENT REPRESENTATION IN FEDERAL COURT.

SECTION 4. Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to section 1 (3) of article V of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2024 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

Approved: April 17, 2023